

EXPRESS MAIL NO. EV336616490US

PTO/SB/01A (10-00).

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	FUEL CELL SYSTEM
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

- The attached application, or
 Application No. 10/620,844, filed on July 14, 2003,
 as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one:	<u>Wolfgang Zinser</u>	Citizen of:	<u>Germany</u>
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Signature:	<u>Zinser</u>	Date:	<u>2003-11-17</u>
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Inventor two:	<u>Markus Aberle</u>	Citizen of:	<u>Germany</u>
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Signature:	<u>Markus Aberle</u>	Date:	<u>2003-11-03</u>
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Inventor three:		Citizen of:	
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Signature:		Date:	
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Inventor four:		Citizen of:	
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Signature:		Date:	
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Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Docket No. 130309.419 417502_1



Please type a plus sign (+) inside this box → +

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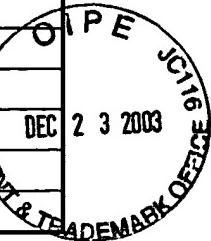
PTO/SB/81 (10-00)

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**SELECTION AND POWER OF
ATTORNEY OR
AUTHORIZATION OF AGENT**

Application Number	10/620,844
Filing Date	July 14, 2003
First Named Inventor	Wolfgang Zinser
Group Art Unit	
Examiner Name	
Attorney Docket Number	130309.419



I hereby appoint:

Practitioners at Customer Number

OR

Practitioner(s) named below:

00500
00500

PATENT TRADEMARK OFFICE

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

The above-mentioned Customer Number.

OR

Name	Registration Number

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

As assignee of record of the entire interest hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor

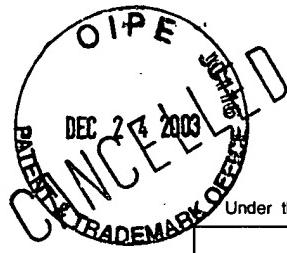
SIGNATURE of Applicant or Assignee of Record

Name	Klaus Graage – Member of the Management Board
Signature	
Date	10.12.2003
Name	André Martin – Member of the Management Board
Signature	
Date	10.12.2003

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PTO/SB/96 (08-00)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: W. Ifgang Zinser et al.Application No./Patent No.: 10/620,844 Filed/Issue Date: July 14, 2003Entitled: FUEL CELL SYSTEM

Ballard Power Systems AG, a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership,
university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. An assignment from the inventor(s) of the patent application/patent identified above.
The assignment was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
- OR
- B. A chain of title from the inventor(s), of the patent application/patent identified above, to the
current assignee as shown below:
1. From: To:
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached
 - Additional documents in the chain of title are listed on a supplemental sheet.
 - Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

10.12. 2003

Date

Klaus Graage

Typed or printed name

Signature

Member of the Management Board

Title

10.12. 2003

Date

André Martin

Typed or printed name

Signature

Memb r f th Management B ard

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

ASSIGNMENT

WHEREAS, we, Wolfgang Zinser and Markus Aberle (hereinafter referred to as ASSIGNORS), having mailing addresses of Erkenbergstrasse 10, Kirchheim/Teck, Germany 73230, and Kelterstrasse 19, Dettingen, Germany 73265, respectively, are the joint inventors of an invention entitled "FUEL CELL SYSTEM," as described and claimed in the specification for which an application for United States letters patent was filed on July 14, 2003, and assigned Application No. 10/620,844; this application claiming priority to German Application No. 10231699.6, filed on July 13, 2002;

WHEREAS, Ballard Power Systems AG (hereinafter referred to as ASSIGNEE), a German corporation having a place of business at Neue Strasse 95, Kirchheim-Nabern, Germany 73230, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNEE hereby assign, transfer, and convey unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNEE had this assignment, transfer and sale not been made. ASSIGNEE hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNEE agree to execute all instruments and documents required for the making and prosecution of applications

for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

06.12.2003

Date

Zinser

Wolfgang Zinser

08.12.2003

Date

Markus Aberle

Markus Aberle

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